

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 9, 2004
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:05 a.m. The meeting was recessed by Mayor Murphy at 10:56 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:07 a.m. with Council Member Madaffer not present. The meeting was recessed by Mayor Murphy at 11:14 a.m. to convene the Housing Authority and the Redevelopment Agency thereafter. Mayor Murphy reconvened the regular meeting at 11:18 a.m. with Council Member Madaffer not present. The meeting was recessed by Mayor Murphy at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:08 p.m. with Council Members Madaffer and Inzunza not present. Mayor Murphy welcomed nine military officers from the countries of Egypt, Korea, Greece, The Philippines, and Romania who are visiting San Diego and participating in an antisubmarine warfare training program with the US Navy and Marine Corp. Mayor Murphy recessed the meeting at 2:09 p.m. to reconvene the Housing Authority. Mayor Murphy reconvened the meeting at 2:29 p.m. with Council Members Madaffer and Inzunza not present. Mayor Murphy adjourned the meeting at 2:30 p.m. into Closed Session immediately thereafter to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-present

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for the Regular Meeting of Tuesday, March 9, 2004**

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Clerk-Abdelnour/Maland (pr/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Max Jadlock wishing to present an award for distinguished service to Scott Peters in relation to his work for Mt. Soledad.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:10 a.m.)

PUBLIC COMMENT-2:

Comment by Al Strohlein regarding alcohol use and PETCO Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:11 a.m.)

PUBLIC COMMENT-3:

Comment by Jarvis Ross regarding Seaworld; public safety; the Coastal Commission; and the “Splash Down Ride.”

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:17 a.m.)

PUBLIC COMMENT-4 REFERRED TO THE CITY MANAGER

Comment by Fred Partenti regarding SDCERS and the Retirement Office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:19 a.m.)

PUBLIC COMMENT-5:

Comment by Don Stillwell regarding money and the Federal Reserve.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:23 a.m.)

PUBLIC COMMENT-6:

Comment by James Lambert regarding the pornography industry, and the potential to destroy the structure of government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

PUBLIC COMMENT-7:

Comment by Colleen Cochran regarding newsracks on public sidewalks and inappropriate displays of literature.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:29 a.m.)

PUBLIC COMMENT-8:

Comment by Ron Boshun regarding actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:33 a.m.)

PUBLIC COMMENT-9:

Comment by Mel Shapiro regarding his concerns about confidentiality and the Ethics Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:36 a.m.)

PUBLIC COMMENT-10:

Comment by Gregorie Hedley-Garber regarding community safety and unhealthy ways of living.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:38 a.m.)

PUBLIC COMMENT-11:

Comment by S. Stanton Summers regarding the truth and the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:41 a.m.)

PUBLIC COMMENT-12:

Comment by James Hartline regarding a court settlement in 1994, and a business on University Avenue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:44 a.m.)

PUBLIC COMMENT-13:

Comment by Peggy Mazzela regarding the San Diego Zoo Promenade project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:48 a.m.)

PUBLIC COMMENT-14:

Comment by Frank Eaves regarding Yanti, China, and the “Sister City” relationship with San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

PUBLIC COMMENT-15: REFERRED TO THE CITY MANAGER

Comment by Karen Damian regarding a Special Event permit submitted for “Biketober West.”

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:54 a.m.)

PUBLIC COMMENT-16:

Comment by Thomas Glasser regarding the Pilot Village selection and what he felt to be improper noticing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:56 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Deputy Mayor Atkins regarding an event in her District which involved taking down the last pole for undergrounding on 30th Street, south of University Avenue. It was the first time SDG&E undergrounded everything including the line from a person’s property to the street, and in light of the new undergrounding program where the citizen didn’t have to do that. Deputy Mayor Atkins noted that it got rid of almost a mile of overhead utility lines that looked terrible on 30th Street, and wished to thank the City’s partners, Cox Communication, SDG&E, and SBC. Secondly, yesterday, March 8, 2004,

was International Women's Day. Deputy Mayor Atkins stated that while women in this country have made great strides, obviously, it is still true that women earn 76 cents on the dollar compared to their male counterparts. Deputy Mayor Atkins wished to point out for example that women who serve in government are not exactly there yet, and that the percentages of women who serve in Congress, the Senate, and so forth, are still much less than their male counterparts.

FILE LOCATION: MINUTES

COUNCIL ACTION: Time duration: 11:08 a.m. – 11:14a.m.)

COUNCIL COMMENT-2:

Comment by Mayor Murphy regarding the effort to underground power lines, and that it was suggested that Deputy Mayor Atkins and himself operate the rig that actually removed the last telephone pole on 30th Street, but found that the insurance for the two of them to operate the rig would be very high. They decided at the last minute to let the professional operators remove the pole. Mayor Murphy stated that the effort to underground power lines in the City is part of Goal Number 3 in creating neighborhoods to be proud of. The plan will more than triple the undergrounding of overhead power lines in the City, and undergrounding of overhead cable lines, and telephone lines. Effort will be made to underground most of the overhead lines in the City of San Diego by the year 2020.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:12 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: Issuance of Multifamily Revenue Bonds for Hillside Gardens Apartments.

(See San Diego Housing Commission Report HCR03-100. District-7.)

(Continued from the meeting of February 10, 2004, Item 335, at the request of Councilmember Madaffer, for further review.)

NOTE: Hearing open. No testimony taken on 2/10/2004.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-799) **RETURNED TO THE CITY MANAGER**

Approving the issuance of Bonds by the Housing Authority of the City of San Diego for the acquisition and rehabilitation of Hillside Gardens Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:14 a.m.)

MOTION BY COMMON CONSENT TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST DUE TO THE DEVELOPERS DECIDING NOT TO SUBMIT THE PROJECT FOR CONSIDERATION OF THE UPCOMING ROUND OF STATE BOND DEBT ALLOCATION. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: District 6 Block 6Z Surcharge Funded Underground Utility District.

(Serra Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-708) **ADOPTED AS RESOLUTION R-298914**

Establishing Underground Utility Districts financed through the City of San Diego Underground Surcharge Fund.

- District 6, Block 6 Z, as described in Drawing No. 32843-1-D.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP 37-028.0 “Annual Allocation - Underground of City Utilities”, and will underground the overhead utility facilities within the designated districts.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric’s offer to perform this work, property owners are required to sign a Permit to Enter Form.

FISCAL IMPACT:

The construction cost and the other indirect costs such as street light replacement, tree replacement, street improvement, minor City forces and other related work is estimated at \$6,506,179.81, and will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/AO

FILE LOCATION: STRT-K319 (38)

COUNCIL ACTION: (Time duration: 11:20a.m. – 11:32 a.m.)

Testimony in opposition by Steve Sarviel.

Testimony in favor by Charles Gibb.

MOTION BY FRYE TO ADOPT THE RESOLUTION TO ESTABLISH AN UNDERGROUND UTILITY DISTRICT TO BE FINANCED THROUGH THE CITY OF SAN DIEGO UNDERGROUND SURCHARGE FUND FOR DISTRICT 6, BLOCK 6Z, AS DESCRIBED IN DRAWING NO. 32843-1-D. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Various Underground Utility Districts with Mitigation Monitoring Reporting Program.

(Various Community Areas. Districts-1, 2, 3, 4, 7, & 8).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-754) ADOPTED AS RESOLUTION R-298915

A Resolution establishing an Underground Utility Districts financed through the City of San Diego Underground Surcharge Fund:

District 1 Block 1-F, as described in Exhibit A to this resolution and more particularly shown on Drawing No. 32839-D; and
District 2 Block 2-E, as described in Exhibit B to this resolution and more particularly shown on Drawing No. 32840-D; and
District 3 Block 3-FF, as described in Exhibit C to this resolution and more particularly shown on Drawing No. 32841-D; and
District 4 Block 4-G, as described in Exhibit D to this resolution and more particularly shown on Drawing No. 32842-D; and
District 7 Block 7-F, as described in Exhibit E to this resolution and more particularly shown on Drawing No. 32844-D; and
District 8 Block 8-F, as described in Exhibit F to this resolution and more particularly shown on Drawing No. 32845-D.

CITY MANAGER SUPPORTING INFORMATION:

The proposed districts are identified in CIP 37-028.0, "Annual Allocation – Underground of City Utilities," and will underground the overhead utilities.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary.

It is the responsibility of the individual property owner(s), for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s), within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form.

FISCAL IMPACT:

SDG&E Cost: The construction cost \$24,002,541 will be financed through the use of San Diego Gas & Electric Company's Annual Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for administration, archaeological monitoring, street light replacement, street improvement, minor City forces, and other related work, estimated at \$3,857,479 Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/AO

Aud. Cert

FILE LOCATION: STRT-K320 (38)

COUNCIL ACTION: (Time duration: 11:20 a.m. – 12:00 p.m.)

Testimony in opposition by Thomas Glasser and William Nichols.

Testimony in favor by Richard Paul, James Ehlers, Vince Knauf, and Lee Rittiner.

MOTION BY ZUCCHET TO ADOPT THE RESOLUTION TO ESTABLISH THE UNDERGROUND UTILITY DISTRICTS. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-333: Two actions related to Pacific Highlands Ranch – FY2004 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-03-243; Fiscal Year 2004 Draft PFFP/FBA; letter from Thomas F. Steinke dated 12/03/2003. Pacific Highlands Ranch Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-668) ADOPTED AS RESOLUTION R-298959

Designating an area of benefit in Pacific Highlands Ranch and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering of proposed public facilities project in the matter of Pacific Highlands Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-2004-669) ADOPTED AS RESOLUTION R-298960

Approving the Development Impact Fee Schedule for properties within the Pacific Highlands Ranch.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 12/03/2003, LU&H voted 4-0 to approve the Fiscal Year 2004 Pacific Highlands Ranch Public Facilities Benefit Assessment (PFFP/FBA) and to direct the City Attorney to provide an analysis of the legal issues regarding consistency of the proposed amendments with the Subarea III Development Agreement prior to the City Council hearing. (Councilmembers Peters, Zucchet, Frye and Inzunza voted yea. Councilmember Lewis not present.)

FISCAL IMPACT:

Minimal.

FILE LOCATION: SUBITEMS A & B: STRT FB-20 (33)

COUNCIL ACTION: (Time duration: 11:19 a.m. – 11:20 a.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Ratify the February 18, 2004 Project Area Committee (PAC) Election Results for the North Park Redevelopment Project Area.

(See City Manager Report CMR-04-044. North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-908) ADOPTED AS RESOLUTION R-298961

Ratifying the February 18, 2004 Project Area Committee (PAC) election results for the North Park Redevelopment project area.

Declaring that the Council finds that the election results of February 18, 2004, are valid and binding in accordance with the procedures so adopted by Resolution No. 98703;

Directing the Redevelopment Agency of the City of San Diego to consult with and obtain the advice of the PAC, pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code section 33000 et seq.).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:19 a.m. – 11:19 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 2:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:30 p.m.)